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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,607	02/19/2004	Colleen Nielson	E1972-00001	5138

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EXAMINER

CARTER, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,607

Applicant(s)

NIELSON, COLLEEN

Examiner

William J. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 10, 12-14, 16-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 10, 12-14, 16-23, 25-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

Solid black shading areas are not permitted, except when used to represent bar graphs or colors. See MPEP 608.02(V)(m).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 18, 22, 23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer (6,010,235).

With respect to claim 1, Sawyer teaches a reconfigurable apparatus (Fig. 1) comprising one of a household lighting apparatus (10) and a home accessory and including at least one fixed component (13), and a plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) magnetically coupled (Abstract, lines 7-10) to the apparatus simultaneously (Abstract, lines 10-11), wherein each of the interchangeable decorative adornments is attachable anywhere on a continuum of non-fixed locations of the apparatus to provide multiple configurations to the apparatus (column 3, lines 1-2).

As or claim 2, Sawyer teaches the apparatus (Fig. 1) comprises a lamp (10).

As for claim 3, Sawyer teaches the plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) comprise a first set (Abstract, lines 10-11) of interchangeable decorative adornments (15) that provide a first appearance to the apparatus (Fig. 1) when simultaneously coupled to the apparatus (Abstract, lines 10-11) and further comprising a second set of interchangeable decorative adornments (Abstract, lines 10-11; column 2, lines 25-28) magnetically engageable (Abstract, lines 7-10) with the apparatus to provide a second appearance when simultaneously couple to the apparatus (Abstract, lines 10-11; column 2, lines 25-28).

As for claim 5, Sawyer teaches the plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) include interchangeable decorative adornments of at least one of different colors and different shapes (Abstract, lines 10-11; column 2, lines 25-28).

As for claim 18, Sawyer teaches a set of interchangeable (Abstract, lines 10-11) decorative adornments (15) for simultaneous attachment (Abstract, lines 10-11) to reconfigurable decorative lighting units (10), each interchangeable decorative adornment comprises at least one decorative portion (16, 18, 19, 20, and 21) and a magnet (26) and the set being magnetically attachable to any corresponding metal portion (12) of one of the reconfigurable decorative lighting units, at the same time (Abstract, lines 10-11).

As for claim 22, Sawyer teaches at least one of the interchangeable (Abstract, lines 10-11) decorative adornments (15) includes a plurality of decorative portions (18, 19, 20, 21, 22, and 24) having a different shape (Fig. 2).

As for claim 23, Sawyer teaches the magnet (26) is coupled to the at least one decorative portions (18, 19, 20, 21, 22, and 24) by metal links (16 and 25).

As for claim 25, Sawyer teaches each of the plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) hangs from a single connection point (at 26).

As for claim 26, Sawyer teaches each of the interchangeable (Abstract, lines 10-11) decorative adornments (15) hangs from a single magnet (at 26).

As for claim 27, Sawyer teaches the at least one fixed component (13) comprises a frame (12) and the continuum of non-fixed locations (column 1, lines 43-45, column 3, lines 10-12) comprises exposed metallic surfaces (Fig. 1) capable of receiving any of the interchangeable decorative adornments anywhere thereon (column 1, lines 43-45, column 3, lines 10-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10, 13, 14, 17, 18, 20, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Bayer (6,241,370).

With respect to claims 7, 16, 17, 19, and 29, Sawyer teaches all of the claimed elements, as discussed above, as well as a reconfigurable decorative lighting unit (10)

comprising a fixed portion (13) and a plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15), each including a magnet (26) and a plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) being magnetically to the fixed portion (Figs. 3 and 4) simultaneously (Abstract, lines 10-11), wherein the fixed portion comprises an exposed metal surface (12) capable of receiving any of the interchangeable decorative adornments anywhere thereon (column 1, lines 43-45). Sawyer does not explicitly teach the decorative lighting unit is a chandelier. Bayer '370, drawn to lighting, teaches the use of a chandelier (2) as a decorative lighting unit (although Bayer '370 does not explicitly teach decorative adornments that are easily interchangeable because they are simply and releasably magnetically coupled to the chandelier, he does teach a chandelier with magnetic decorations [310; column 11, lines 11-13], that provides motivation for the combination of Sawyer and thus teaches the limitations of the present claim). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the chandelier of Bayer '370 as the lighting unit in the decorative lighting unit of Sawyer, in order to create a more aesthetically pleasing lighting unit. As for claim 16, 17, and 29, Sawyer and Bayer '370 teach all of the disclosed elements, which upon combination inherently teach the changing appearance by substituting the magnetic decorations of Bayer '370 with the decorative adornments of Sawyer and all of the elements are assembled as claimed, thus the method is inherently taught.

As for claim 10, Sawyer further teaches the plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) include interchangeable decorative

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adornments of at least one of different colors and different shapes (Abstract, lines 10-11; column 2, lines 25-28).

As for claim 13, Sawyer further teaches each of the interchangeable (Abstract, lines 10-11) decorative adornments (15) of the plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) is attached to multiple locations (Abstract, lines 10-11; column 1, lines 41-45) to provide multiple configurations to the decorative lighting unit (10).

As for claim 14, Sawyer further teaches the plurality of interchangeable (Abstract, lines 10-11) decorative adornments (15) provide a first appearance to the lighting unit (10) when simultaneously coupled thereto (Abstract, lines 10-11) and are repositionable on the lighting unit at different locations (column 1, lines 41-45; column 3, lines 1-4) to provide a second appearance to the lighting unit when simultaneously coupled thereto (Abstract, lines 10-11).

As for claim 20, Sawyer further teaches the metal portion (12) includes a continuum of metal surfaces capable of receiving any of the interchangeable (Abstract, lines 10-11) decorative adornments (15) anywhere thereon (column 1, lines 43-45, column 3, lines 10-12).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Bayer (6,712,490).

As for claim 21, Sawyer teaches all of the claimed elements, as disclosed above, except for the decorative adornments being formed of crystal. Bayer '490 teaches decorative crystal adornments coupled to a decorative lighting unit (column 1, lines 19-

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23). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the crystal adornments of Bayer in the decorative lighting unit of Sawyer, in order to provide an overall decorative appearance (column 1, lines 17-19).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer and Bayer '370 as applied to claim 7 above, and further in view of Bayer '490.

As for claim 21, Sawyer and Bayer '370 teach all of the claimed elements, as disclosed above, except for explicitly teaching the decorative adornments being formed of crystal. Bayer '490 teaches decorative crystal adornments coupled to a decorative lighting unit (column 1, lines 19-23). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the crystal adornments of Bayer in the decorative lighting unit of Sawyer, in order to provide an overall decorative appearance (column 1, lines 17-19).

Allowable Subject Matter

Claim 28 is allowed. The prior art does not teach or suggest a plurality of decorative adornments magnetically attachable anywhere on a continuous surface of a chandelier comprising a hanging branched lighting fixture.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or suggest a chandelier comprising a hanging branched lighting fixture with decorative adornments magnetically attachable anywhere on a continuum of non-fixed locations.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wjc
07/17/06


ALI ALAVI
PRIMARY EXAMINER